



I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450, ON THE DATE INDICATED BELOW.

BY: Rose A. Stowe DATE: June 8, 2004
Rose A. Stowe

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re:	Patent Application of Stephan Heck, <i>et al.</i>	: Group Art Unit: 1621
		:
Appln. No.:	09/880,695	: Examiner: Elvis O. Price
		:
Filed:	June 12, 2001	: Confirmation No: 6462
		:
For:	UNSATURATED PALM OIL FATTY ALCOHOLS	: Attorney Docket : No.: H 3172A PCT/US

JUN 18 2004

TECH CENTER 1600/2300

PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

In response to the Notice of Abandonment mailed on May 5, 2004, Applicants hereby petition for the withdrawal of the Examiner's holding of abandonment in the above-identified application. The above-identified application ostensibly became abandoned after April 20, 2004, for Applicants' failure to timely respond to the Office Action dated October 20, 2003, (Paper No. 17), within the statutory period for response.

Applicants' undersigned representative submits that a response to Paper No. 17, along with a Request for a Three-Month Extension of Time, including an authorization to charge fees, was filed via first class U.S. Mail on April 20, 2004, in accordance with the provisions of 37 C.F.R. §1.8. Copies of the Request for Reinstatement of Appeal, Appellants' Supplemental Appeal Brief, Petition for Extension of Time, and Date-Stamped Return Postcard are attached hereto, as evidence of Applicants' timely and complete response to Paper No. 17.

Since a complete and timely response to Paper No. 17 was filed in accordance with 37 C.F.R. §1.8 mailing procedures, and was apparently never received by the Office, through no fault of Applicants, no fee for submitting this Petition is believed to be due. However, the Commissioner is hereby authorized to charge **Deposit Account No. 50-1177** if any

Appl. No.: 09/486,677
Group Art Unit: 1621

fee under 37 C.F.R. 1.17 is deemed necessary for the accompanying Petition to be considered by the Patent Office.

Furthermore, as the instant Petition should not be considered untimely as it has not been more than two months since the mailing date of the Notice of Abandonment, in accordance with M.P.E.P. § 711.03(c)(I), it is submitted that no Terminal Disclaimer is required in conjunction with this Petition.

Accordingly, Applicants respectfully request withdrawal of the Holding of Abandonment and further request reinstatement of the appeal in accordance with the Request to Reinstate the Appeal submitted on April 20, 2004, in response to Paper No. 17.

Respectfully submitted,

STEPHAN HECK, et al.

June 8, 2004
(Date)

By:

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ARE:are

Enclosures:

- 1). Copy of Return Postcard dated 04/20/04 (PTO acknowledged on 04/22/04)
- 2). Copy of Request for Reinstatement of Appeal mailed 04/20/04
- 3). Copy of Appellants' Supplemental Appeal Brief, including Claims Appendix, mailed 04/20/04
- 4). Copy of Request for Extension of Time Under 37 CFR § 1.136 mailed 04/20/04

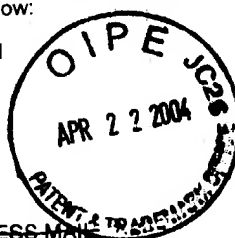
JUN 18 2004

TECH CENTER 1610/2900

DOCKET NO. 713172A-PCT/US
SERIAL NO. 09/880,695 ATTORNEY ARE/RAS
APPLICANT Neck, et al.

The patent office acknowledges, and has stamped hereon the date of the receipt of the items checked below:

- ☐ AFFIDAVIT OR DECLARATION
☐ AMENDMENT
☐ APPEAL NOTICE
☐ APPLICATION
☐ ASSIGNMENT
☐ BASE ISSUE FEE
☐ BRIEF - IN TRIPLICATE
☒ CERT. OF MAILING BY EXPRESS MAIL
☐ EXTENSION OF TIME REQUEST (3 MOS.)
☐ LETTER
☒ LETTER - CHARGE DEPOSIT ACCOUNT (IN TRIP.)
☐ LICENSE PETITION (35 USC 184)
☐ DRAWINGS
☐ PCT TRANSMITTAL LETTER PTO-1390
☐ PETITION
☐ PRIORITY CLAIM
☐ REFERENCES/IDC
☐ RESPONSE
☐ TERMINAL DISCLAIMER
☐ PCT TRANSMITTAL LETTER PTO-1382 (IF DUPLICATE)
☐ PCT REQUEST ___ PAGES; DESCRIPTION ___ PAGES;
☐ CLAIMS ___ PAGES; ABSTRACT ___ PAGES
☐ FEE CALCULATION SHEET (IN TRIPLICATE)
☐ RESPONSE TO INVITATION TO CORRECT DEFECTS
☐ POWER OF ATTORNEY
☒ OTHER
(1) REQUEST FOR REINSTATEMENT OF APPEAL UNDER
37 C.F.R. S. 1.193(b)(2)(ii)
(2) APPELLANT'S SUPPLEMENTAL BRIEF ON APPEAL
UNDER 37 C.F.R. S. 1.193(b)(2)(ii) (IN TRIP.)



RECEIVED COGNIS LAW DEPT.
ACTION _____ INFO RS

APR 26 2004

DUE _____
FILE _____